

JAY NEDRY, et al.,  
  
Plaintiffs,  
  
v.  
  
GUNNAR NELSON, et al.,  
  
Defendants.

CASE NO.: 1:11-cv-878-LMB/IDD

**DION-KINDEM & CROCKETT'S AND MATTHEW McCONNELL'S  
MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW**

Dion-Kindem & Crockett and Matthew McConnell (“Counsel”), counsel of record for Plaintiffs, hereby submits this Memorandum in support of its Motion to Withdraw.

## I. STATEMENT OF FACTS

1. Within the past two weeks there has occurred an irreconcilable breakdown in communication between Counsel and the Plaintiffs, in the future conduct of the case so that it has been rendered unreasonably difficult for Counsel to carry out their employment as counsel for the Plaintiffs. Professional considerations require termination of the representation.

2. Counsel have requested that Plaintiffs either obtain other counsel or execute a substitution of attorney. As of the date of this Motion Plaintiffs have failed to do either.

3. As the specific difficulties rendering the continued representation  
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unreasonably difficult would require a disclosure of confidential and privileged  
communications with our clients we cannot and will not do so in support of this  
Motion, absent further order of the Court. In light of the severity of the circumstances,  
however, counsel will be present at the hearing and will be prepared, within applicable  
ethical constraints, to further detail the circumstances to the Court *in camera* should the  
Court deem it necessary.

4. Counsel emphasize to the Court that the issues causing this Motion are  
not in the nature of a fee dispute. There is no fee dispute with the Plaintiff.

5. Under the present circumstances Counsel cannot adequately represent  
the Plaintiffs and it is their professional obligation to withdraw.

## II. WITHDRAWAL IS PERMITTED BY THE LOCAL CIVIL RULES

Local Civil Rule 83.1(G) allows for withdrawal of counsel by motion, upon  
court order after reasonable notice to the client. The Motion, and all papers in support,  
have been provided to the client via email on March 7, 2012.

Given that the attorney-client relationship has broken down, and professional  
considerations require termination of the representation, Counsel respectfully request  
the Court grant this Motion.

DATE: March 7, 2012

*/s/ Matthew S. McConnell*  
By: \_\_\_\_\_  
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*Co-Counsel for Plaintiffs*

/s/ *William E. Crockett*  
By: \_\_\_\_\_

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***Co-Counsel for Plaintiffs***

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served via ECF, facsimile, regular mail, first class, postage prepaid this 7<sup>th</sup> day of March, 2012 to:

Robert Draim  
Hudgins Law Firm  
515 King Street, Suite 400  
Alexandria, Virginia 22314  
*Counsel for Defendant Gunnar Nelson*

***VIA OVERNIGHT MAIL ONLY***  
Jay C. Nedry  
23476 NEW MOUNTAIN RD  
Aldie, Virginia 20105

DATE: March 7, 2012

/s/ *Matthew S. McConnell*  
By: \_\_\_\_\_  
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